

EX

C

ACCESS AUTHORIZATION

1. THIS ACCESS AGREEMENT is made this 8th day of September 1994, by and between CSX Transportation, Inc. (CSXT), and the United States Environmental Protection Agency (EPA).
2. CSXT is the owner of property known as Radnor Yards in Nashville, Tennessee.
3. EPA, Region IV, has requested permission to enter upon CSXT property to conduct sampling activities pursuant to CERCLA, 42 U.S.C. § 9601, et. seq., relating to the removal of the subsurface contamination detected on the adjacent Saad Site.
4. CSXT expressly grants any officer, employee, contractor, or representative of the United States Environmental Protection Agency (EPA) permission to have entry upon the above referenced property. Activities to be conducted by EPA on CSXT property may include, but are not limited to the following activities:
 - a. placing dye receptors in CSXT's wells;
 - b. injecting dye in the wells;
 - c. performing routine monitoring functions.
5. EPA will notify CSXT prior to conducting any additional activities not discussed above.
6. CSXT recognizes that EPA's request and use of its property is undertaken pursuant to Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1984, CERCLA 42 U.S.C. Section 9604, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) P.L. 99-499.
7. Access is hereby granted at all reasonable times beginning on or after September 8, 1994, and continuing through September 8, 1995, for the purposes set forth above.
8. The sampling activities shall be performed by EPA or EPA's contractor in a manner to avoid harm to persons or property or unnecessary delays to or interference with railroad operations.
9. EPA or EPA's contractor shall orally notify CSXT's representative Vite Spero or Kim Vaughn at 615/664-2718 at least forty-eight (48) hours before entering the property. CSXT personnel may be present.
10. EPA shall promptly notify CSXT of any loss, damage, injury or death arising out of or in connection with EPA's work performed under this access agreement.
11. Pursuant to 42 U.S.C. § 9604(e)(4)(b), EPA will provide

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copies of results generated from the analysis of the dye tracing study.

12. No liability for any damages to real or personal property or personal injury or death is admitted by EPA or CSXT. In the event of any damage to real or personal property or personal injury or death which allegedly occurs as a consequence of the implementation of the sampling activities or any other response activities, EPA's liability, if any, shall be provided in applicable statutes and will have to be established in the manner determined by law.

12. By granting this authorization, CSXT does not admit any liability in relation to the Saad Site and does not waive any right that it may be entitled to.

9/15/94
Date

Kenneth Richardson
~~William H. Cummings~~ Kenneth Richardson
Director-Environmental Engineering
CSX Transportation

11/1/94
Date

Michael D. Auer, Deputy
Joseph R. Franzmathes
Director
Waste Management Director